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Attorneys for Defendants
Glopo, Inc. and Yilun Zhou

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CLOUD B, INC. a California
corporation,

Plaintiff,

vs.

GLOPO, INC., et al,

Defendants.

CASE NO. 2:14-cv-00896-BRO-RZx

[Hon. Beverly Reid O'Connell]

**CONSENT JUDGMENT AND
STIPULATED PERMANENT
INJUNCTION**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff
Cloud B, Inc. ("Cloud B"), on the one hand, and Defendants Glopo, Inc. and Yilun
Zhou ("Defendants"), on the other hand, (collectively, "the Parties"), that a permanent

1 injunction be entered in the present action as set forth below. This Consent Judgment
2 and Stipulated Permanent Injunction is entered into with reference to the following
3 agreed Statement of Facts:

4
5 **STATEMENT OF FACTS**
6

7 1) Cloud B is a California corporation with its principal place of business
8 located in Gardena, California. Cloud B designs, sells and markets the Cloud B®,
9 Twilight Ladybug®, Twilight Turtle® and Twilight Sea Turtle®-marked toys for
10 children, which are the subject of this Action.
11

12 2) Cloud B is the owner of the trademarks listed in Exhibit 1 of the
13 Complaint herein (“the Cloud B Trademarks”), the copyrights listed in Exhibit 2 of the
14 Complaint herein (“the Cloud B Copyrights”), and the patents listed in Exhibit 3 of the
15 Complaint herein (“the Cloud B Patents”).
16

17 3) Glopo, Inc. is a California corporation, doing business over the Internet at
18 www.glopousa.com and www.toybeyond.com and as gloupousa.com, toybeyond.com,
19 Little Genius and The Wonderland. Yilun Zhou is an individual doing business as
20 Ellen Zhou, Ellen Truman, Ellen Clark, glopo, inc., gloupousa.com, toybeyond.com,
21 Little Genius and The Wonderland (collectively, with Glopo, Inc., “Defendants”).
22

23 4) Defendants have sold children’s toys under or in connection with one or
24 more of the Cloud B trademarks, children’s toys that have included copies of guide
25 books, storybooks, and toy designs covered by one or more of the Cloud B copyrights,
26 and children’s toys that are covered by one or more of the Cloud B patents
27 (collectively, “the Accused Products”).
28

1 5) On February 5, 2014, Cloud B filed a complaint (“the Complaint”) in the
2 United States District Court for the Central District of California, entitled, Cloud B,
3 Inc. v. Glopo, Inc. et al., Case No. CV 14-0896 BRO (RZx), asserting claims for
4 trademark infringement and counterfeiting, false designation of origin, trade dress
5 infringement, copyright infringement, unfair competition, state unfair competition,
6 state trademark infringement, tortious interference with economic relationships, and
7 patent infringement (“the Action”).

8
9 6) On March 13, 2014, the Defendants timely filed an answer to the
10 complaint, and, on April 3, 2014 filed an amended answer to the complaint denying all
11 of Cloud B’s claims and asserting a number of affirmative defenses, although
12 Defendants never rebutted the statutory presumption that the Cloud B Patents,
13 Copyrights, and Trademarks are valid and enforceable.

14
15 7) To avoid further litigation and to resolve this Action, Cloud B and
16 Defendants recently entered into a Settlement Agreement (“the Settlement
17 Agreement”), the terms of which are confidential and set forth in a separately executed
18 document, but of which may be disclosed that the Parties agree that

- 19
20 a. the Statement of Facts herein are true and correct;
21 b. this Court has subject matter jurisdiction over this Action;
22 c. this Court has jurisdiction over any dispute concerning or
23 involving the Settlement Agreement;
24 d. this Court has personal jurisdiction over the Parties herein;
25 e. venue is proper in this Court; and
26 f. each of the Parties waives any right to a hearing or trial in regard
27 to the matters set forth herein.
28

CONSENT JUDGMENT AND
STIPULATED PERMANENT INJUNCTION

WHEREFORE, upon the consent and request of Cloud B and Defendants, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1) Defendants are hereby enjoined from using any of the Cloud B trademarks or any marks confusingly similar to the Cloud B Trademarks.

2) Defendants are hereby enjoined from copying or displaying any of the Cloud B copyrighted works or any works substantially similar to the Cloud B Copyrights.

3) Defendants are hereby enjoined from making, importing, using, offering for sale, or selling any of the Accused Products or any other products covered by any of the Cloud B Patents.

4) The foregoing permanent injunction shall not, however, be construed with respect to any given Cloud B Trademark, Copyright, or Patent as extending beyond the expiration of the implicated Cloud B Trademark, Copyright, or Patent.

5) The foregoing Statement of Facts and Consent Judgment and Stipulated Permanent Injunction shall finally resolve this Action between Cloud B and Defendants, which Action, including all claims and affirmative defenses asserted therein, is hereby dismissed with prejudice.

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6) Each party shall bear its own attorney's fees and costs in connection with this Action, except to the extent of any enforcement of the Settlement Agreement or this Consent Judgment and Stipulated Permanent Injunction.

7) This Court shall retain jurisdiction of this matter and the Parties for purposes of enforcing the terms of the Settlement Agreement and this Consent Judgment and Stipulated Permanent Injunction.

IT IS SO ORDERED.

Dated: April 6, 2015

By:



HON. BEVERLY REID O'CONNELL
United States District Court Judge

Respectfully submitted,

CISLO & THOMAS LLP

LAW OFFICES OF
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Date: March __, 2015

Date: March __, 2015

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